

Bylaw #705

Village of Lougheed

*Being a bylaw of the Village of Lougheed, Province of Alberta
to regulate the use of land and buildings in the Village of
Lougheed pursuant to Part 17 of the Municipal Government act*

Bylaw No. 426 passed on July 4th, 1979, is hereby rescinded.

This Bylaw comes into force on the day it is finally passed.

Read a first time this 8th day of April, A.D., 2010 .

Read a second time this 8th day of April, A.D., 2010 .

Read a third time and finally passed this 8th day of April , A.D., 2010.

Village of Lougheed

Donna Dolany
MAYOR/REEVE

L.P. Richards
MUNICIPAL ADMINISTRATOR

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ONE: Enactment and Administration

Section 1: Title

This Bylaw is entitled the Village of Loughheed Land Use Bylaw.

Section 2: Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings in the Village of Loughheed pursuant to Part 17 of the Municipal Government Act.

Section 3: Application

The provisions of this Bylaw apply to all lands and buildings within the boundaries of the Village, pursuant to Part 17 of the Municipal Government Act. No person shall commence any development within the Village except in compliance with this Bylaw.

Section 4: Effective Date

This Bylaw comes into force and takes effect upon the date of its third reading. Land Use Bylaw **No. 426** as amended is hereby repealed.

Section 5: Other Legislative Requirements

Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any statutory plan.

Nothing in this Bylaw exempts a person to obtain a development permit as required by this Bylaw or to obtain any other permit, license or other authorization required by this or any other Bylaw.

In addition to the requirements of this Bylaw, a person is required to comply with all federal, provincial and other municipal legislation.

Section 6: Transition

An application submitted and accepted prior to the approval of this Bylaw shall be considered under the provisions of Land Use Bylaw **No. 426** as amended.

TWO: Interpretation

Section 7: Units of Measurement

All measurements in this Bylaw are metric.

Section 8: Rules of Interpretation

Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not. The words *shall* and *must* require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw. Words, phrases, and terms not defined in this part may be given their definition in existing legislation and regulations, such as the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.

Where a regulation involves two or more conditions or provisions connected by the conjunction *and* means all the connected items shall apply in combination; *or* indicates that the connected items may apply singly or in combination; and *and/or* indicates the items shall apply singly or in combination.

Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then changed through subdivision, the land use classification follows the new boundary. Where a road is closed and added to an adjacent parcel, the added area takes the land use classification of the parcel to which it is added.

Building setbacks are measured from the footings of the building, not from overhangs.

Where this bylaw allows an exercise of discretion or judgement, the discretion or judgement is that of the Development Authority, or on appeal that of the Subdivision and Development Appeal Board.

Metric Conversions to be utilized by the reader are as follows:

- ◆ 1.0 metre = 3.281 feet
- ◆ 1.0 square metre = 10.8 square feet
- ◆ 1 hectare = 2.47 acres
- ◆ 1.0 kilogram = 2.2 lbs.
- ◆ 1.0 cubic metre = 220 gallons

Imperial conversions are provided for the convenience of the reader. For interpretation of the Bylaw, the metric values indicated in the Bylaw shall prevail.

Section 9: Definitions

The following definitions shall be used in this Land Use Bylaw:

"ABUT or ABUTTING" means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.

"ACCESSORY BUILDING" means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A garage attached to a main building it is deemed to be part of the main building.

"ACCESSORY USE" means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

"ACT" means the Municipal Government Act and the regulations pursuant thereto.

"APARTMENT BUILDING" means a building containing at least three separate dwellings which share a common entrance from outside the building.

"APPLICANT" means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.

"BED AND BREAKFAST ESTABLISHMENT" means a business operated in a private house in which up to three rooms are made available for rent to short-term paying guests.

"CHURCH" means a place of worship of any faith.

"COUNCIL" means the Council of the Village of Loughheed.

"DISCRETIONARY USE" means the use of land or a building provided for in this bylaw for which a development permit *may* be issued upon an application having been made.

"DUPLEX" means a building containing two dwelling units side by side, sharing a common wall, with separate outside entrances for each dwelling unit. It does *not* mean one dwelling unit above another.

"DWELLING" means a self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

"DWELLING, FOURPLEX" means a building containing four dwelling units each with direct access to the outside grade, but not all the units are required to have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. This shall not mean row housing dwelling or duplex dwelling. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

"DWELLING, SINGLE DETACHED" means a residential building containing one dwelling unit intended as a permanent residence. Single detached dwellings must be of new construction and feature the following criteria: shall include single detached dwellings constructed off-site; all exterior walls of the floor area must be dimensioned at less than or equal to 3:1 length to width ratio; and all roof pitches must be a minimum of 3:12 ratio (3 feet of elevation for 12 feet of width). All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

"FAMILY DAY HOME" means a day care business operated by an individual in her own home.

"FRONT" means, in the case of a corner lot, the shorter side.

"FRONT YARD" means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may designate one or more streets as the front of the lot.

"GRADE" means the average elevation of the corners of a lot.

"GRANNY SUITE OR NANNY SUITE" means a self contained suite within a detached residence, intended for use by a dependent or servant of the owner or occupier of the detached residence, and not rented or leased.

"GROUP HOME" means a facility which provides accommodation for people who require assistance in daily living on account of age or disability, or who are undergoing rehabilitation, and where qualified staff are present at all times.

"HEIGHT" (of a building) means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

"HOME BUSINESS" means a business, trade, craft occupation, storage activity, or other commercial operation on a residential lot on a scale greater than a home office.

"HOME OFFICE" means an office in a dwelling which: is not visited by a significant number of clients; does not change the external appearance or residential character of the dwelling, and is carried on by the residents of that dwelling; and includes child care for up to three children who do not live at that place.

"LOT" means an individual lot or parcel for which a title has been issued under the Land Titles Act, or, where two or more lots are "tied" for assessment purposes, or are included in a single title, the area encompassed by the two or more lots.

"MAIN BUILDING" means a building in which is conducted the main or principal use of the lot on which it is erected.

"MUNICIPALITY" means the Village of Lougheed.

"OWNER" means, in addition to the meanings set out in the Act, a purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.

"PARKING STALL" means an indoor or outdoor area at least 6 metres in length and 3 metres in width, reserved for the parking of motor vehicles, with a surface of concrete, paving, or gravel.

"PERMITTED USE" means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw.

"REAR YARD" means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

"RESIDENCE" means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular houses and also residential suites in non-residential buildings.

"ROAD" means the entire width of the right-of-way of a road or lane shown on a Village plan, road plan, or plan of subdivision, and not only the built travelling surface.

"ROW HOUSE" means a building on a lot or lots that consist of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment" or "four-plex". Units are attached at the side walls, each having frontage onto a public or private condominium road. A row house dwelling unit may be located on a separate lot if the lot is registered after construction of the row house dwelling.

"SECTIONAL HOME" means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A sectional home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Sectional Homes shall feature the following criteria: minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches); and a minimum floor area length to width ratio of 3:1. A sectional home does not include a single detached dwelling.

"SERVICE STATION" means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or repair business.

"SETBACK" means the distance between the closest part of the foundations of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.

"SIDEYARD" means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary.

"SIGN" means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

"SUITE" means an area within a residence which provides a self contained living area with its own cooking and bathroom facilities.

"TRIPLEX" means a building containing three dwelling units each with direct access to the outside grade, but not all the units have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

"USE" means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.

"UTILITY BUILDING" means a building in which the proprietor of a utility company maintains his office(s) and/or maintains or houses any equipment used in connection with the utility.

"YARD" means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

THREE: Development Authority

Section 10: Development Authority

- 10.1 The office of Development Authority is hereby established and shall be filled by a person appointed by resolution of Council. In the absence of such a resolution, the Chief Administrative Officer is the Development Authority.
- 10.2 The Development Authority shall:
 - 10.2.1 maintain a copy of this bylaw as amended, and make it available to any person on a cost recovery basis;
 - 10.2.2 maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge;
 - 10.2.3 review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw;
 - 10.2.4 enforce this bylaw in conformance with the Act; and
 - 10.2.5 carry out the other duties imposed on him by this bylaw and the Act.
- 10.3 For the purposes of Section 542 of the Act, the Development Authority is an authorized person of the municipality.
- 10.4 The Development Authority may also be referred to as the Development Officer.

Section 11: Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by bylaw shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.

FOUR: Development Permits

Section 12: Development Permit Required

No development other than that listed in Section 14 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

Section 13: Forms and Fees

- 13.1 Council may by resolution adopt fees and forms for the administration of this bylaw.
- 13.2 Fees and forms in force under the previous bylaw continue in effect until amended by resolution of Council.

Section 14: Development Not Requiring a Development Permit

The following development shall not require a development permit:

- 14.1 Those uses of land or a building which are **exempt** under Section 618 or 619 of the Act or under regulations pursuant to those sections;
- 14.2 The **completion and use** of a building which was lawfully under construction at the date of adoption of this bylaw;
- 14.3 The use of a building or property which was authorized under a **previous bylaw**;
- 14.4 The **maintenance** of or repair to any building, provided that such works do not include structural alterations or major works of renovation;
- 14.5 **Internal alterations** to a building, provided these alterations do not result in an increase in the number of dwelling units in the building;
- 14.6 The construction of **gates, fences, walls**, or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 2.0 metres (6.6 feet) in side and rear yards;
- 14.7 **Landscaping and paving**, provided that grades and water flows are not substantially altered;
- 14.8 The construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a **street or utility lot**;
- 14.9 The construction and maintenance of a **railway line**;
- 14.10 A **temporary** building or sign, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this bylaw;
- 14.11 A **change of use or ownership** of land or an existing building where the new use is permitted in that land use district and conforms in every way with this bylaw;
- 14.12 New single storey buildings, not on permanent foundation, under 15.0 square metres (162.0 square feet) in size which are **accessory** to a residential use. These buildings are bound by yard and setback rules.

Section 15: Non-conforming Buildings and Uses

If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to Section 643 of the Act, but it **may not be enlarged or replaced except pursuant to Section 18.6 of this bylaw**.

Section 16: Application for a Development Permit

- 16.1 An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by
 - 16.1.1 a statement of the former, present, and proposed use of a lot and any buildings on it;
 - 16.1.2 the legal description and municipal address;
 - 16.1.3 a site plan drawn to scale and showing the boundaries of the lot, the locations of existing and proposed buildings, any front, rear, and side yards, any provision for off-street loading and vehicle parking, and access and egress points to the site;
 - 16.1.4 a sketch of all easements and utilities, and the proposed connections to utilities;
 - 16.1.5 the proposed site grading and drainage;
 - 16.1.6 the estimated commencement and completion dates of any construction; and

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- 16.1.7 the estimated cost of the project or contract price and the appropriate fee.
- 16.2 The Development Authority may also request
 - 16.2.1 details of the proposed finish of the building and the landscaping of the lot;
 - 16.2.2 a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot;
 - 16.2.3 engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination; and
 - 16.2.4 a copy of the current title to the lot.
- 16.3 In the case where an application for a development permit has been refused initially or on appeal, the Development Authority may refuse to accept another application for a permit on the same property, and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

Section 17: Public Consultation Prior to Decision

Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving or interpreting any part of the bylaw, the Development Authority may at his discretion consult the owners of nearby land by mail or by advertising in the local newspaper, and if the neighbouring landowners reply within 14 days, the Development Authority shall consider their comments and recommendations before issuing a development permit.

Section 18: Decision by the Development Authority

- 18.1 The Development Authority shall decide on all applications for a development permit.
- 18.2 The **Development Authority shall decide** upon an application for a development permit **within 40 days** of receiving a complete application.
- 18.3 An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to make a decision.
- 18.4 An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 18.5 In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Part 10, and approve it.
- 18.6 The Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,
 - 18.6.1 the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and
 - 18.6.2 the proposed development conforms with the use prescribed for the land or building in this bylaw, and this power extends to nonconforming buildings pursuant to Section 643(5)(c) of the Act.
- 18.7 In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.
- 18.8 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 18.9 The Development Authority may issue a development permit subject to the condition that the applicant:
 - 18.9.1 amends the proposal to conform with this or other bylaws;
 - 18.9.2 pays an off-site levy or redevelopment levy imposed by bylaw;
 - 18.9.3 enters into an agreement pursuant to Section 650 of the Act concerning servicing of the site;

- 18.9.4 registers an easement to protect a utility line;
- 18.9.5 repairs any municipal improvements that may be damaged as a result of the development;
- 18.9.6 finishes a building, or landscapes or paves a lot within a stated time;
- 18.9.7 grades a lot to the satisfaction of the municipality;
- 18.9.8 supplies parking to meet the requirements of the bylaw; or
- 18.9.9 deposits cash, a letter of credit, or a performance bond guaranteeing that any of the above conditions are met.

Section 19: Development Permits

- 19.1. A **development permit does not come into effect until 14 days after the date of issue**, and if a person starts construction prior to that, he does so at his own risk because the permit may be overturned on appeal.
- 19.2 If a valid appeal is made pursuant to this bylaw, a development permit which has been granted is suspended.
- 19.3 A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant and to any person who has expressed an interest in the matter.

Section 20: Suspension or Cancellation of a Development Permit

- 20.1 If the development authorized by a permit is not commenced within 12 months from the date of issuance, or carried out with reasonable diligence, the permit is void, unless an extension has previously been granted by the Development Authority.
- 20.2 If a Development Permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by registered mail.

Section 21: Notice of Decision

When a permit has been **granted for a discretionary use**, or pursuant to Subsections 18.5 or 18.6 of this bylaw, the **Development Authority**

- 21.1 **shall immediately mail a notice** in writing to the registered owners of all land within 50.0 metres (164.1 feet) and to any other person who may, in his opinion, be affected; and
- 21.2 **may immediately publish in a newspaper** circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and
- 21.3 **may post a notice of the decision conspicuously on the property** for which the application has been made,

and the notice shall set out the rights of persons to appeal against the issuance of the Development Permit.

Section 22: Appeal Procedure

- 22.1 An appeal against a decision of the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.
- 22.2 The procedure for hearing and determining appeals against a decision of the Development Authority shall be as set out in Sections 684 to 687 of the Act.
- 22.3 No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.
- 22.4 In making its decision, the Board **is bound** by the uses of land set out in this bylaw, and **shall have regard for** all other parts of this bylaw and all statutory plans, as required by Section 680(2) of the Act.

Section 23: Judicial Review

A decision of the Subdivision and Development Appeal Board is final and binding on all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

FIVE: Amending the Bylaw

Section 24: Bylaw Amendments

- 24.1 Village Council may amend this Bylaw pursuant to the provisions of the Municipal Government Act.
- 24.2 Any person may apply to amend this Bylaw pursuant to the provisions of the Municipal Government Act and the requirements of the Land Use Bylaw.

Section 25: Contents of an Amendment Application

- 25.1 An application to **amend this Bylaw shall be made to the Village on the prescribed form**, and shall be signed by the applicant or his agent authorized in writing. The following information and documents will accompany the application:
- 25.1.1 A written statement of the reason for the request to amend the Bylaw including a statement describing the implications of the amendment; the required application fee; if the amendment involves the rezoning of land to a different land use district, the following is also required:
- (a) A copy of the current Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Authority verifying that the applicant has a legal interest in the land;
 - (b) If the applicant is an agent of the landowner, a letter from the landowner verifying the agent's authority to make the application;
 - (c) Permission for right of entry by the Development Officer or a designated officer of the Village; and
 - (d) A properly dimensioned map indicating the affected site and its relationship to existing land uses on adjacent properties;
- 25.1.2 Such additional information as the Development Officer may require to properly evaluate and to make recommendations to Council concerning the proposed amendment.
- 25.2 Council may require, prior to considering a proposed amendment to this Bylaw, that a developer prepare an Area Structure Plan in accordance with the Municipal Government Act or an Outline Plan in accordance with the Municipal Development Plan.

Section 26: The Amendment Process

- 26.1 The amendment application may be referred by the Development Officer to: any external agency for comment and advice; and Council for first reading and to establish a date for a public hearing to be held prior to second reading.
- 26.2 In accordance with the Municipal Government Act, and after the date for a public hearing has been set by Council, a notice of the application shall be published once a week for two consecutive weeks in a newspaper circulating in the Village. This notice shall contain:
- 26.2.1 The legal description of the land;
 - 26.2.2 The purpose of the proposed amendment;
 - 26.2.3 The one or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;
 - 26.2.4 The date, place, and time that Council will hold a public hearing on the proposed amendment;
 - 26.2.5 An outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
 - 26.2.6 An outline of the procedures by which the public hearing will be conducted.
- 26.3 If the amendment involves the rezoning of land to a different land use district, a notice shall also be communicated in writing to the owner(s) of the subject land, and to all adjacent landowners.
- 26.4 Council, after considering: any representations made at the public hearing; and the Municipal Development Plan, and any area structure plan or area redevelopment plan affecting the application and the provisions of this Bylaw; may make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or defeat the proposed amendment.
- 26.5 Where an application for an amendment has been refused by Council, the Village shall refuse to

accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

26.6 If deemed necessary, the Village may initiate an amendment to this Bylaw without the landowner's consent.

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SIX: Contravention and Enforcement

Section 27: Contravention

- 27.1 No person shall contravene this Bylaw by commencing or undertaking a development, use, or sign that is not permitted under this Bylaw.
- 27.2 No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for issuing a development permit under this Bylaw.
- 27.3 No person shall contravene a condition of a permit issued under this Bylaw.
- 27.4 A Bylaw Enforcement Officer or the Development Officer may enforce the provisions of this Bylaw, the Municipal Government Act and its regulations, the conditions of a development permit or subdivision approval.

Section 28: Stop Order

- 28.1 If the Development Officer finds that a development, land use or use of a building is not in accordance with the Act, this Bylaw, a development permit or subdivision approval, the Development Officer may issue a written Stop Order to the owner, the person in possession of the land or building, or other person responsible for the contravention, or all or any of them to:
 - 28.1.1 Stop the development or use of the land or building in whole or part as directed by the notice;
 - 28.1.2 Demolish, remove or replace the development; or
 - 28.1.3 Carry out any other actions required by the notice so that the development or use of the land or building complies with the Municipal Government Act or this Bylaw, a development permit or a subdivision approval within the time set out in the notice.
- 28.2 A person may appeal a Stop Order to the Subdivision and Development Appeal Board.
- 28.3 If a person fails or refuses to comply with a Stop Order, the Village may, in accordance with Section 542 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 28.4 The Town may register a caveat with respect to the Stop Order in the Land Titles Office.

Section 29: Offences and Penalties

- 29.1 Any person who: contravenes or fails to comply with any provision of this bylaw or any permit issued hereunder; or erects or places a sign in contravention of this bylaw; or obstructs or hinders any person in the performance of his duties under this bylaw; or fails to comply with any order of the Development Officer; is guilty of an offence and is liable on a first offence to a penalty of \$500.00. The penalty for a second offence shall be \$1,500.00.
- 29.2 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve upon such person an offence ticket allowing the payment of the specified penalty to the Village in lieu of prosecution for the offence.
- 29.3 Council may, by resolution, revise penalties for contravention of or non-compliance with the provisions of this Bylaw.
- 29.4 If the Village takes action to carry out a Stop Order the Village shall cause the costs and expenses incurred in doing so to be placed on the tax roll of the property concerned.

Seven: General Regulations

Section 30: Contaminated Sites

If it appears to the Development Authority that the site may be contaminated as a result of the former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Authority may require the applicant to supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such information, the Development Authority may refuse the application.

Section 31: Design, Construction and Treatment of Buildings

The Development Authority may refuse to issue a development permit for a building if the size, design, construction, or treatment is, in his opinion, incompatible with the neighbouring buildings.

Section 32: Decks

For the purpose of establishing yards and setbacks,

- 32.1 a deck which is attached to a main building, and which has a walking surface 0.6 metres (2.0 feet) or more above ground, is deemed to be part of the main building; and
- 32.2 a deck which has a walking surface less than 0.6 metres (2.0 feet) above ground is not bound by yard and setback requirements.

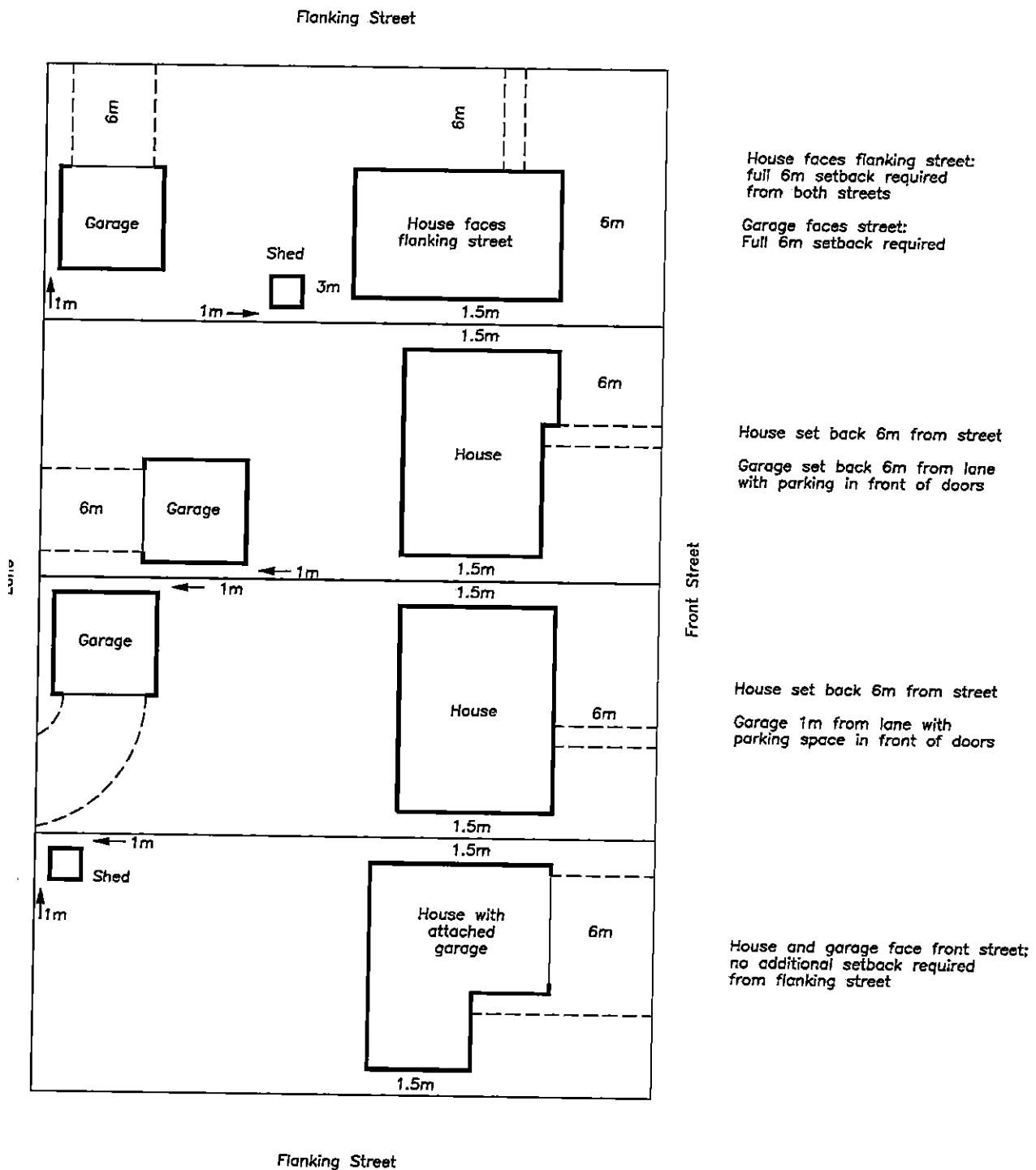
Section 33: Fences

- 33.1 Fences shall complement the character and quality of the principal building.
- 33.2 Fences are not permitted in the front yard of any lot. The maximum height of a fence as measured from grade shall be 2.0 m (6.6 feet) for that portion of the fence which does not extend beyond the most forward portion of the principal building on the lot.
- 33.3 Notwithstanding 33.2, a higher fence or a fence with barbed or other security features may be approved for public safety, security, privacy or buffering purposes.
- 33.4 No barbed wire fences shall be permitted in residential areas.
- 33.5 The electrification of any fences within Loughheed shall not be permitted.
- 33.6 Fences, walls or other objects on private property shall not be built or placed closer than 7.5 meters (25 feet) to any intersection if it is of the opinion of Council that such fences, walls, or other objects will interfere with visibility for traffic flow. Any fences, walls or other objects which are in existence at the date of this bylaw coming into force may be removed or reduced in height at the expense of the Village of Loughheed.

Section 34: Dwelling and Garage Location on Lot

In front of the vehicle doors of every garage there shall be a parking area entirely located on the lot, as shown in Figure 34.1.

Figure 34.1 Siting of Dwellings and Garages



Section 35: Grading of Lots

- 35.1 No land shall be filled or raised, and no grading or drainage shall be undertaken, unless a development permit has been issued for the work.
- 35.2 In no case shall the water from one lot drain on to another lot unless this is explicitly allowed in a development permit AND the person whose lot is being drained has the written permission of the person whose land will receive the water.
- 35.3 An application for a development permit application for a new building shall include a lot grading and drainage plan showing existing and proposed ground levels on the lot in question and on neighbouring lots, roads, and lanes, and shall normally provide for a minimum 4% slope away from buildings.

Section 36: Livestock and Pets

- 36.1 No livestock other than normal domestic pets shall be kept in the municipality.
- 36.2 This section does not apply to auction marts, veterinary clinics, or other commercial establishments which deal with animals in the ordinary course of their business.

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Section 37: Moved In Dwellings

- 37.1 Existing dwellings may be moved on to a lot in the municipality.
- 37.2 A person wishing to move an existing dwelling on to a lot shall make an application for a development permit in the usual way and shall also provide:
- 37.2.1 photographs showing all sides of the building;
 - 37.2.2 a statement of the type of construction, condition, and age of the building; and
 - 37.2.3 a statement of proposed improvements with an estimate of costs.
- 37.3 The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
- 37.4 The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.
- 37.5 The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.
- 37.6 The Development Authority may also require a letter of security, performance bond or certified cheque of up to \$5,000 to guarantee satisfactory completion of work stipulated in the Development Permit.
- 37.7 This section **does not apply** to new storage sheds, or to temporary buildings authorized under Section 7.9 of the bylaw, or to **new detached dwellings or sectional homes**.

Section 38: Permitted Lot Projections

- 38.1 Balconies and decks may project into yards by the following distances:
- 38.1.1 1.5 metres (4.9 feet) into the front and rear yard setbacks as required under Part 10 of this Bylaw; and
 - 38.1.2 0.6 metres (2.0 feet) into the side yard setback as required under Part 10 of this Bylaw.
- 38.2 Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may project into the yards required by Part 10 by the following distances:
- 38.2.1 0.6 metres (2.0 feet) into the front and rear yard setback; and
 - 38.2.2 0.45 metres (1.5 feet) into the side yard setback.

Section 39: Prohibited Objects in Yards

- 39.1 In a residential district, no person shall keep a vehicle weighing greater than 4500 kg for longer than is reasonably necessary to unload the vehicle.
- 39.2 Despite section 39.1, a motor home or other recreational vehicle may be stored in the back or side yards of a residential lot.
- 39.3 In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any other object which in the opinion of the Development Authority is unsightly or offensive.
- 39.4 Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard of a residential district.
- 39.5 Garbage shall be contained in weatherproof and animal-proof containers.

Section 40: Environmental Conservation

- 40.1 Within developing areas, existing trees and shrubs should be conserved to the maximum extent possible.
- 40.2 The following areas, to the maximum extent possible, shall be retained in their natural state:
- Swamps, gullies and natural drainage courses;
 - Unstable land;

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Land subject to flooding by a 1:100 year flood;
Land with a natural gradient of 15% or greater; and
Any lands designated as Environmental Reserve.

- 40.3 The use of land within or adjacent to a sensitive environment or regionally significant recreation resource shall:
- (a) be compatible with the natural characteristics of the area
 - (b) seek to retain these characteristics to the greatest degree possible
 - (c) not cause undue stress to the environment

Section 41: Temporary Structures

- 41.1 A temporary structure may be erected in the Downtown Commercial and Light Industrial Business District subject to the owner agreeing to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority.
- 41.2 A temporary structure may be erected in the Residential District provided that: (a) No such temporary structure shall have a floor area of more than 16.5 square metres (178.2 square feet), be more than 3.0 metres (9.8 feet) in height or set back less than 1.5 metres (4.9 feet) from the side and rear property lines; and the owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority.
- 41.3 There shall be no more than one temporary structure per site;
- 40.3.1 A **temporary structure** being used as a garage must be placed in the **rear yard only**;
 - 40.3.2 In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Authority; and
 - 40.3.3 The structure is completed in accordance with the terms stipulated by the Development Authority, provided that the development permit for the temporary structure shall expire at the end of 24 months, unless renewed by the Development Authority for a further term, and that such structure will comply with this Bylaw.
- 41.4 If an owner fails to comply with the terms and conditions of a temporary development permit, the Development Authority may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon which the temporary structure is situated and shall be payable by the owner to the Village on demand.
- 41.5 A temporary structure shall not be used as a dwelling.
- 41.6 **Metal freight/cargo storage containers** shall only be permitted in the **Light Industrial Business District**.

Section 42: Utility Buildings and Equipment

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system.

Eight: Transportation Facilities

Section 43: Parking Requirements

Residential Development Type	Number of Stalls
Dwelling Single Detached	2 per dwelling
Add per granny or rental suite	1 per bedroom
Duplex, Triplex, Four Plex or Row Housing	2 per dwelling
Apartment	1.5 per suite
Sectional Dwelling	2 per dwelling
A stall for residential use may be inside a garage, or outside the building but entirely on the lot, and may include a driveway.	
Non Residential Development Type	Number of Stalls
Retail Stores	1 per 100 m ² (1,080 ft ²) retail space
Offices and Financial Institutions	1 per 100 m ² (1,080 ft ²) retail space
Hotels and Motels	1 per room, plus 1 for every employee on duty
Restaurants and Bars	1 per 10 seats
Churches and Halls	1 per 10 seats
Industrial Businesses	1 per employee at maximum shift

Section 44: Loading

- 44.1 Every non-residential building shall have an off-street loading space of sufficient size that vehicles loading or unloading need not park on a street or lane.
- 44.2 This requirement may be waived by the Development Authority if in his opinion parking on the street or lane will not unreasonably disrupt traffic flow.

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Nine: Signs

Section 45: Sign Requirements

- 45.1 Except as set out in Section 45.2 below, no sign shall be placed within the municipality unless a development permit has been obtained.
- 45.2 No permit is required for a sign which:
 - 45.2.1 identifies the address or function of a building or parcel on which the sign stands, or
 - 45.2.2 advertises a sale or event taking place that day, or
 - 45.2.3 offers for sale or rent the parcel on which it stands, or
 - 45.2.4 advertises a business or activity taking place on that parcel, or
 - 45.2.5 advertises a product, service, or commodity offered for sale or rent on that parcel,
 - 45.2.6 is not visible from a public road or park, or
 - 45.2.7 is erected by a government or school authority, or
 - 45.2.8 concerns an election.
- 45.3 Signs not listed in Section 44.2 above are deemed to be discretionary uses in all districts.
- 45.4 The Development Authority may immediately remove any sign, including those listed in Section 44.2 above, if in his opinion it is a danger to public safety because of its condition or because it obstructs the view of drivers, or it devalues adjacent properties.

Ten: Land Use Districts

Section 46: Establishment of Land Use Districts

- 46.1 For the purposes of this bylaw the municipality is divided into the following districts:
- R Residential
 - C1 Downtown Commercial
 - LIB Light industrial business
 - P Public use
- 46.2 The boundaries of these districts are set out on the map forming Schedule A.
- 46.3 Where a lot boundary is the boundary of a land use district, and the boundary of that lot is changed, and the land classification is adjusted to conform with the new lot boundary.
- 46.4 Roads and other land to which no title has been issued are not included in any land use district.

Section 47: R Residential District

47.1 Purpose:

The purpose of the R district is to provide land for residences and for accessory uses other uses which are compatible with residential use.

47.2 Uses:

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ▪ Dwelling, single detached – new ▪ Home offices ▪ Parks ▪ Sectional home – new ▪ Unattended utility installations ▪ Buildings and uses accessory to the above, but no accessory building shall be constructed before there is a main building on the lot 	<ul style="list-style-type: none"> ▪ Basement, granny and nanny suites in single detached dwellings ▪ Bed and breakfast establishments ▪ Buildings and uses accessory to the above ▪ Churches ▪ Dwelling, single detached – moved in ▪ Duplexes, triplexes, fourplexes, row housing, and apartments ▪ Family day homes ▪ Home businesses ▪ Sectional homes <Ten (10) years of age from the date of Development Permit Application ▪ Signs ▪ Temporary structures

47.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Density of Development	Only one detached residence and one suite shall be built on each lot.
Lot Area	<p>A lot for a detached residence or an unsubdivided duplex shall have an area of at least 500 square metres (5,382 sq ft).</p> <p>Lots for a subdivided duplex shall have an area of at least 250 square metres (2,690 sq ft).</p> <p>All other lots shall have an area sufficient to give the required yards, setbacks, and site coverage.</p>
Lot Width	<p>A lot for a detached residence or unsubdivided duplex shall have a width of at least 15.0 metres (49.2 feet). On a pie-shaped lot, the width is measured at the building line.</p> <p>A lot for a subdivided duplex shall have a width of at least 7.5 metres (24.6 feet).</p> <p>All other lots shall have a width sufficient to give the required yards and setbacks.</p>
Site Coverage	No more than 40% of the area of a lot shall be covered by buildings.
Maximum Building Height	Maximum height of buildings - No building height shall exceed 10.0 metres (32.8 feet) from grade to roof peak
Front Yard Setback	<p>The main building shall be set back at least 6 metres (19.7 feet) from the front boundary of the lot, and no accessory buildings shall be constructed in the front yard.</p> <p>Where a lot abuts two or more roads, the Development Authority may require that front yard setbacks be observed from more than one road.</p>
Rear Yard Setback	<p>The main building shall be set back at least 6.0 metres (19.7 feet) from the rear boundary of the lot. Accessory buildings shall be set back at least 1.0 metre (3.3 feet) from the rear boundary of the lot.</p> <p>Garages shall be situated so that there is a parking stall at least 6.0 metres in length between the vehicle doors and the road or lane used for vehicular access, as shown in Figure 34.1.</p>
Side Yard Setback	<p>The main building shall be set back at least 1.5 metres (4.9 feet) from the side property line.</p> <p>On a lot which is not served by a lane or flanking street, one side yard shall be at least 3.0 metres (9.8 feet) to provide vehicle access to the rear yard.</p> <p>Accessory buildings shall be set back at least 1.0 metre (3.0 feet) from the side property line.</p>
Parking	See Section 42.

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Section 48: C Downtown Commercial District

48.1 Purpose:

The purpose of the C1 district is to provide land for high density commercial activities.

48.2 Uses:

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ▪ Government buildings ▪ Clubs, associations, churches and lodges except those listed as discretionary ▪ Professional, financial and service businesses except those listed as discretionary ▪ Residences above the main floor ▪ Retail stores except those listed as discretionary ▪ Buildings and uses accessory to the above 	<ul style="list-style-type: none"> ▪ Amusement arcades ▪ Businesses selling lumber or other flammable products ▪ Day care and group care facilities ▪ Drive-in businesses ▪ Establishments selling or dispensing alcohol for consumption on or off the premises ▪ Gambling establishments ▪ Hotels and motels ▪ Pawnbrokers ▪ Residences at street level ▪ Signs ▪ Temporary structures

48.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Lot Width	<p>A lot for a commercial use shall have a width of at least 5.0 metres (16.4 feet).</p> <p>A lot for residential use shall have a width of at least 10.0 metres (32.8 feet).</p>
Site Coverage	<p>Commercial buildings may cover 100% of the lot.</p> <p>Allowable site coverage for residential buildings shall be set by the Development Authority in each case.</p>
Maximum Building Height	<p>The maximum allowable building height shall be determined by the Development Authority bearing in mind the requirements of the Alberta Building Code and the recommendations of the fire department.</p>
Front Yard Setback	<p>Residences shall be set back at least 6.0 metres (19.7 feet) from the front property line.</p> <p>No front setback is required for other buildings.</p>
Rear Yard Setback	<p>Residences shall be set back at least 6.0 metres (19.7 feet) from the rear property line.</p> <p>No rear setback is required for other buildings.</p>
Side Yard Setback	<p>If the walls of a building are constructed of concrete block or other incombustible material, no side setback is required by this bylaw, but the Alberta Building Code shall govern.</p> <p>If the walls of a building are constructed of combustible material, the building shall be set back at least 1.5 metres (4.9 feet) from the side property line.</p>
Parking and Loading	<p>See Section 42.</p>

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Section 49: LIB Light Industrial Business District

49.1 Purpose:

To provide an area for planned light industrial business areas containing clean industrial uses with compatible commercial areas.

49.2 Uses:

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ▪ Auction markets ▪ Automobile, truck, and farm implement sales and service ▪ Car and truck washing establishments ▪ Clubs, associations, churches, and lodges except those listed as discretionary ▪ Drive-in businesses ▪ Dwelling single detached - new ▪ Fabrication ▪ Government buildings ▪ Lumber yards ▪ Manufacturing ▪ Processing ▪ Professional, financial, and service businesses except those listed as discretionary ▪ Recreational vehicle sales and service ▪ Retail stores except those listed as discretionary ▪ Sectional home - new ▪ Service stations ▪ Services to agriculture ▪ Trade workshops ▪ Transportation, communications, and utilities industries ▪ Warehousing and storage ▪ Veterinary clinics ▪ Buildings and uses accessory to the above 	<ul style="list-style-type: none"> ▪ Auto body and paint shops ▪ Auto wreckers ▪ Bulk fuel sales ▪ Establishments selling or dispensing alcohol for consumption on or off the premises ▪ Gambling establishments ▪ Pawnbrokers ▪ Day care and group care facilities ▪ Dwelling single detached – moved in ▪ Hotels and motels ▪ Other commercial and industrial activities which in the opinion of the Development Authority are compatible with the purpose of the district and the surrounding land uses ▪ Recycling industries ▪ Residences ▪ Sectional home – older moved in ▪ Buildings and uses accessory to the above

49.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Lot Width	Except as noted below, all lots shall have a width of at least 15.0 metres (49.2 feet) (but see Section 48.4 regarding flammable materials). No minimum lot width is required for unattended utility installations.
Site Coverage	All buildings combined shall not cover more than 75% of the area of the lot.
Maximum Building Height	The maximum allowable building height shall be determined by the Development Authority bearing in mind the requirements of the Alberta Building Code and the recommendations of the fire department.
Front Yard Setback	All buildings shall be set back at least 6.0 metres (19.7 feet) from the front property line (but see Section 48.4 concerning flammable materials)
Rear Yard Setback	Where a lot backs on to a lot classified as commercial or industrial, no rear yard setback is required (but see Section 48.4 concerning flammable materials).
	In all other cases, all buildings must be set back at least 6.0

	metres (19.7 feet) from the rear property line.
Side Yard Setback	Where a lot is adjacent to a lot classified as commercial or industrial, no side yard is required (but see Section 48.4 concerning flammable materials). In all other cases, all buildings must be set back at least 2.5 metres (8.2 feet) from the side property line.
Parking and Loading	See Section 42.

49.4 Flammable materials

Where flammable or explosive materials are stored on site, the Development Authority shall consult the fire department may increase the required lot size, building setbacks, or other requirements to minimize the danger to the public.

49.5 Screening

The Development Authority may require a lot to be fenced or landscaped if in his opinion this is needed to protect the values of nearby businesses.

Section 50: P Public Use District

50.1 Purpose:

The purpose of the Public Use District is to provide land for parks, schools, hospitals, and other community service facilities, both government and privately owned.

50.2 Uses:

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ▪ Parks and playgrounds ▪ Athletic, sporting, and cultural facilities ▪ Schools ▪ Churches ▪ Group homes operated by recognized social service agencies ▪ Day care centres ▪ Hospitals, hospices, nursing homes, and long term care facilities ▪ Cemeteries ▪ Buildings and uses accessory to the above 	<ul style="list-style-type: none"> ▪ Campgrounds ▪ Concessions and small scale commercial activities which are compatible with neighbouring land uses ▪ Residences for the staff of a permitted facility ▪ Buildings and uses accessory to the above

50.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Maximum Building Height	The maximum allowable building height shall be determined by the Development Authority bearing in mind the requirements of the Alberta Building Code and the recommendations of the fire department.
Front Yard Setback	All buildings shall be set back at least 6.0 metres (19.7 feet) from the front property line.
Rear Yard Setback	All buildings must be set back at least 6.0 metres (19.7 feet) from the rear property line.
Side Yard Setback	All buildings must be set back at least 2.5 metres (8.2 feet) from the side property line.
Parking and Loading	See Section 42.

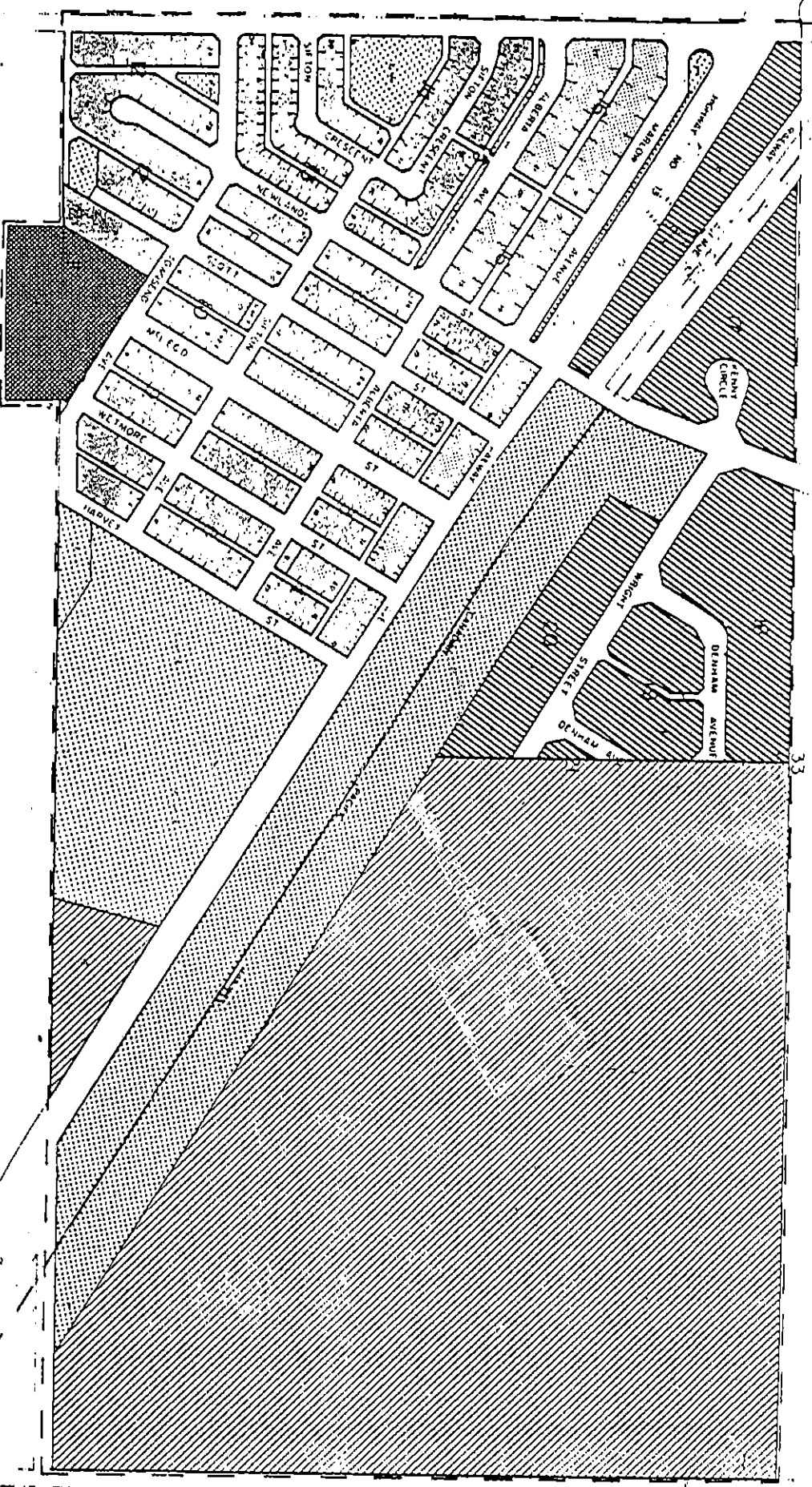
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SCHEDULE "A"

Land Use District Map

LAND USE BYLAW NO. 426

Village of Loughheed, Alberta



- | | | | |
|---|-----------------------|---|---------------------|
|  | Residential |  | Serviced Industrial |
|  | Central Commercial |  | Institutional |
|  | Highway Commercial |  | Parks and Rec. |
|  | Unserviced Industrial |  | |

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